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11/26/13
Admin
Police
Council

State of New Jersey

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
P.O. BOX 087
TRENTON, NJ 08625-0087
Phone: (609) 984-2830 Fax: (609) 633-6078
HTTP://WWW.NJ.GOV/LPS/ABC

JOHN J. HOFFMAN
Acting Attorney General

Michael I. Halfacre
Director

November 21, 2013

Burger N Brew Inc
t/a Metro Grille
380 Rt 206
Mount Olive, NJ 07853

LICENSE NO.: 1427-33-005-009
AGENCY DKT. NO.: S-13-35848, H-2013-50571;
ISSUED BY: Township Committee of Mount Olive
Township, Morris County

Attached hereto is a copy of the Notice of Charges wherein the Division of Alcoholic Beverage Control ("Division") has alleged that the holder of this license has committed the violations set forth therein and is seeking to revoke your license. Upon receipt of this letter you must enter either a guilty, non-vult or not guilty plea to these charges within 30 days. Failure to enter a plea within the 30-day period shall be deemed to be a statement that you do not contest the charges, which are the subject of this matter. Consequently, if a plea is not entered within the 30-day period, a non-vult plea will be entered on your behalf unless the plea period has been extended by the Division. The Director upon certification from the Division may suspend or revoke your license without further opportunity for you to oppose the charges.

Before entering a plea you may request a copy of the Report of Investigation on which the charges were based and request an additional 14 days to examine the report before you enter a plea. As set forth on the "plea" page, the cost for the report is \$80.00. To receive such reports send a money order or check made payable to the New Jersey Division of Alcoholic Beverage Control. Send your request to Deputy Attorney General, Richard E. Karczewski, Jr. and include the license number and "S" number on all letters and forms of payment.

You are entitled to have an attorney advise you. However, consultation with an attorney will not toll or stop the time of the 30 days for you to enter your plea.

Please be advised if there is a determination of guilt to the charges, the Enforcement Bureau pursuant to N.J.S.A. 33:1-31 will seek revocation and will also seek the forfeiture and disposal of any cash, evidence, alcoholic beverages (or other prima facie contraband nature) seized in connection with these charges. If you enter a plea of guilty or non-vult (not contesting the charges) you have informed the Division that you do not dispute the charges in this matter



and will accept the penalty as set forth. You do have the right to submit in writing mitigating circumstances and requesting the charges be reduced in penalty. The Director may also consider reduction of the penalty by 20% in consideration of your guilty or non-vult plea.

In addition, you have the right to make application to the Director that he accept a monetary compromise offer in lieu of the days suspended pursuant to N.J.A.C. 13:2-19.12.

If you plead not guilty, this case will be sent to the Office of Administrative Law or be retained to be heard before the Director. You or your attorney will receive the necessary notice that the case has been forwarded and the time and place of the hearing.

To assist you in responding to the Division, you may use the "plea" page to advise us of your decision in this matter. If you do utilize this form, after you fill it out we suggest you make a copy and keep it for your records. Please send this reply to DAG Richard E. Karczewski, Jr..

Very truly yours,

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: _____

Richard E. Karczewski, Jr.
DEPUTY ATTORNEY GENERAL

Attachment



**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

LIC. NO.: 1427-33-005-009
AGENCY NO.: S-13-35848, H-2013-50571;

DIVISION OF ALCOHOLIC BEVERAGE)
CONTROL,)
)
Petitioner,)
)
v.)
)
Burger N Brew Inc,)
)
Respondent.)
)
)

NOTICE OF CHARGES

Take Notice that under the authority of the Director, as set forth in Division of Alcoholic Beverage Control Act, N.J.S.A. 33:1-1, et seq.; and the regulations promulgated pursuant thereto, the New Jersey Division of Alcoholic Beverage Control ("Division") will seek to revoke plenary retail license 1427-33-005-009 held by Burger N Brew Inc, t/a Metro Grille, issued by Township Committee of Mount Olive Township, Morris County, for premises located at 380 Rt 206, Mount Olive, NJ 07853, for violation of the aforementioned statute and/or regulations. The Division hereby prefers the following charges and will seek the noted penalty to wit:

1. On 07/02/13, you failed to keep or maintain books of account which were true, complete and accurate in all respects on your licensed premises or failed to produce same for inspection upon demand and did not produce same within seven (7) days thereof; in violation of N.J.A.C. 13:2-23.32. 30-day suspension
2. On 07/02/13, you conducted your licensed business without keeping and having on your licensed premises available for inspection a true copy of the application for your current license or a true copy of the last-filed long form application or amendment thereto (if the current application is a short form application) for your then current license, viz., No long or short form application available for inspection; in violation of N.J.A.C. 13:2-23.13(a)2. 1-day suspension
3. On 07/02/13, you conducted your licensed business without keeping on your licensed premises or having available for inspection upon demand an employee list complete in all respects; in violation of N.J.A.C. 13:2-23.13(a)3. 1-day suspension

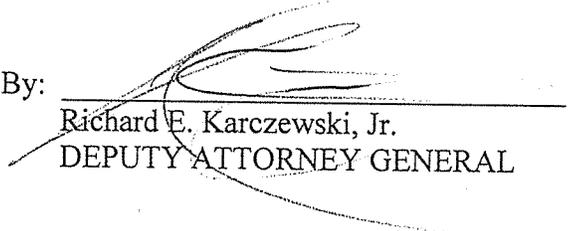
4. On 07/02/13, you the holder of a retail license failed to prominently post a warning notice prepared by the Department of Health in any service area as well as on a wall, towel dispenser or other appropriate location in any public rest room for women patrons on the licensed premises warning that alcohol consumption during pregnancy has been determined to be harmful to the fetus; in violation of N.J.S.A. 33:1-12a. 1-day suspension
5. On From approximately June 2011 to June 2013, you purchased or obtained alcoholic beverages from a prohibited source, viz., A & P Beverage Center, Sandy's Wine Spirits and 7 other retail establishments; in violation of N.J.A.C. 13:2-23.12(a) or (b). 10-day suspension
6. In your license application or amendment to a license application filed on or about 2011-Present, you failed to show or disclose that Matthew Saleeby, a person disqualified from having an interest in a liquor license by reason of conviction of Insurance Fraud in the 3rd degree, had an interest, directly or indirectly, in the license applied for or in the business to be conducted under said license; in violation of N.J.S.A. 33:1-26. Revocation

The Division will seek revocation of the license based upon the total circumstances.

The licensee must enter a plea to the charges within 30 days of its receipt. Failure to do so will result, pursuant to N.J.A.C. 13:2-19.3(c), in the entry of a non-vult plea on your behalf and the Director upon certification by the Division may impose the penalty stated in this Notice of Charges without further notice.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By:


Richard E. Karczewski, Jr.
DEPUTY ATTORNEY GENERAL

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

LIC. NO.: 1427-33-005-009
AGENCY NO.: S-13-35848, H-2013-50571;

DIVISION OF ALCOHOLIC BEVERAGE)
CONTROL,)
)
Petitioner,)
)
v.)
)
Burger N Brew Inc,)
)
Respondent.)
_____)

PLEA

TO: Richard E. Karczewski, Jr.
DEPUTY ATTORNEY GENERAL
ENFORCEMENT BUREAU

CIRCLE THE APPROPRIATE TERM CONTAINED IN THE PARENTHESES "()"

I am the (owner) (partner) (member) (president/vice-president) (attorney) of this license duly authorized to enter the decision(s) in this matter as checked below:

- ___ 1. Please send me a copy of the Report of Investigation issued in this matter. I request you to extend my time to enter a plea by 14 days. Therefore, enclose a money order or check in the amount of \$80.00 to cover the cost of the report.
- ___ 2. I am pleading (guilty) (non-vult) to all of the charges listed in the Notice of Charges and accept the suspension of the subject license to be imposed based thereon. I request that the Director reduce the proposed penalty by 20% in consideration of my plea. I understand that by doing so I will not formally contest the charges and that they will be administratively concluded without a hearing. I am giving up my rights to a hearing or to repossess or have returned any cash, evidence, alcoholic beverages or other property seized in connection with these procedures. (Please note that you need not retain an attorney to represent you in this matter but you should be aware that by entering a guilty or non-vult plea, you will be surrendering various legal rights.) I request that the Division consider the following matters (explanation) (mitigation) prior to determining what the ultimate penalty. (You may write on the back of this page or use additional separate pages if necessary).
- ___ 3. I am pleading (guilty) or (non-vult) to all the charges listed on the Notice of Charges. I request that the Director reduce the proposed penalty by 20% in consideration of my

plea. I petition the Director pursuant to N.J.A.C. 13:2-19.12 to accept a monetary compromise offer in lieu of the suspension. I am enclosing a copy of the licensee's Federal Tax Return for the most recent year which contains the revenue gained from the sale of alcoholic beverages and the cost of such beverage product. I request the opportunity to offer to pay a monetary penalty instead of having my license suspended. I understand that if the Director grants my request, the Division will compute the penalty amount which must be offered and will provide me with a petition to sign and return my offer for the Director's consideration.

____ 4. I wish to plead not guilty to the charges and request that this matter be forwarded for a hearing.

LICENSEE'S SIGNATURE

TYPED OR PRINTED NAME

DATED: